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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,404	08/03/2006	Masaki Kitahara	5259-000070/US/NP	6947
27572 7590 09/13/2011 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				
EXAMINER KIM, HEE-YONG				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/588,404

Applicant(s)

KITAHARA ET AL.

Examiner

HEE-YONG KIM

Art Unit

2482

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-14, 16 and 18 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-14, 16 and 18 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-854)
Paper No(s)/Mail Date 5/26/2011
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Response to Amendment

1. This office action is in reply to Applicant's Response dated August 17, 2011.
2. **Claims 1, 5, 8, 12, 16 and 18** have been amended.
3. **Claims 1-14, 16 and 18** are pending.

Response to Arguments

4. Rejection of **claims 16 and 18** under 35 U.S.C. 101 is withdrawn because the amendment overcomes the rejection.
5. Regarding **claims 1-14, 16, and 18**, applicant's argument has been fully considered but not persuasive.
6. Applicant misunderstood the examiner's proposed combination of Kimata and Puri by alleging (pp.10-14) that Puri's motion compensated interpolation has disadvantage and therefore it was not obvious to combine Kimata and Puri. The interpolation by other GOP's (Chapter 4: inter GOP; Chapter 3 View Generation based on Ray-Space) is already disclosed by Kimata. The proposed examiner's modification only needs incorporation of idea of conditional encoding (Puri's CMCI), not Puri's motion compensated interpolation but interpolation by other GOP's by Kimata. Conditional encoding teaches whether the encoding of the current GOP is encoded or not based on the magnitude of the interpolation error where the interpolation is done by other GOP's only.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. **Claims 16 and 18** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 16 and 18 recite "A computer-readable storage medium". However, computer readable medium includes a transitory medium such as a signal or carrier wave. Th applicant is advised to use "A non-transitory computer-readable storage medium" instead.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. **Claims 1-4, 8-11, 12-14, and 16** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent **claims 1 and 8** recite "an in-GOP image encoding step of encoding the image belonging to the relevant GOP when the encoded data of the image is output, wherein: when a subject is included in said images belonging to the GOPs and the GOP encoding/non-encoding data indicates that the encoded data of the relevant image is

not to be decoded, image data of the subject having a viewing position or direction which corresponds to the given GOP is generated using data of the images belonging to the GOPs other than the given GOP". However, the specification and drawing contradict the amended claim. As shown in the drawing (Fig. 2) and the specification (pp.13-19), encoder has two choices largely: In-GOP encoding (110, Fig.2) or non In-GOP encoding (Image Generation Part 114, Fig.2). In-GOP encoding deals with when the encoded data of the image belonging to the given GOP is output. It does not deal with "when the relevant image of the given GOP is not encoded". It is non In-GOP encoding (114, 115 and 116, Fig.2) which does "when a subject is included in said images belonging to the GOPs and the GOP encoding/non-encoding data indicates that the encoded data of the relevant image is not to be decoded, image data of the subject having a viewing position or direction which corresponds to the given GOP is generated using data of the images belonging to the GOPs other than the given GOP". Therefore, it is a new matter. For the prosecution of the application, examiner interprets that the above feature belongs to non In-GOP encoding.

Independent **claim 12** recites "an in-GOP image decoding part in which: if the GOP encoding/non-encoding data indicates that the encoded data of the relevant image is not to be decoded, the in-GOP image decoding part decodes the relevant image by using an image generation method which does not use the encoded data of this image, wherein: wherein: when a subject is included in said images belonging to the GOPs and the GOP encoding/non-encoding data indicates that the encoded data of the relevant image is not to be decoded, image data of the subject having a viewing position

or direction which corresponds to the given GOP is generated using data of the images belonging to the GOPs other than the given GOP". Similar argument as above and evident in Fig.3, it is a contradiction "in-GOP image decoding part decodes the relevant image by using an image generation method which does not use the encoded data of this image wherein: wherein: when a subject is included in said images belonging to the GOPs and the GOP encoding/non-encoding data indicates that the encoded data of the relevant image is not to be decoded, image data of the subject having a viewing position or direction which corresponds to the given GOP is generated using data of the images belonging to the GOPs other than the given GOP". It is a non in-GOP decoding part (207, 208 and 209) which "decodes the relevant image by using an image generation method which does not use the encoded data of this image wherein: wherein: when a subject is included in said images belonging to the GOPs and the GOP encoding/non-encoding data indicates that the encoded data of the relevant image is not to be decoded, image data of the subject having a viewing position or direction which corresponds to the given GOP is generated using data of the images belonging to the GOPs other than the given GOP". Therefore, it is a new matter. For the prosecution of the application, examiner interprets that the above feature belongs to non In-GOP decoding.

Claims 2-4 and 16 depend on claim 1. Therefore, they are rejected for the same reason too.

Claims 9-11 depend on claim 8. Therefore, they are rejected for the same reason too.

Claims 13-14 depend on claim 12. Therefore, they are rejected for the same reason too.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 1, 3-8, 10-14, 16, and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimata (CIT 2004, IEEE) (hereafter referenced as Kimata), in view of Puri (Signal Processing Image Communication 2, 1990, pp.127-144) (hereafter referenced as Puri).

Regarding **claim 1**, Kimata discloses System Design of Free View point Video Communication. Kimata specifically discloses A video encoding method (4. Coding Method, pp.4- pp.5) that assigns a plurality of images (Fig.6 -7) to a plurality of GOPs (Group of GOP (GoGop), Fig.6-7) which correspond to different viewing positions or directions (Camera Arrangement Fig.3 and Fig.6)) and encodes images belonging to the GOPs as a video image, the method comprising: *in-GOP image encoding step of encoding the image belonging to the relevant GOP* (base GOP and Inter-GOP, Chapter 4 and Fig.7). However, Kimata fails to disclose

GOP encoding determination step in which:

if it is determined that each image belonging to a given GOP can be generated on a decoding side without using encoded data of a relevant image, it is determined that the relevant image is not encoded and no encoded data thereof is output; and
if it is determined that each image belonging to the given GOP cannot be generated on a decoding side unless encoded data of the relevant image is used, then it is determined that the relevant image is encoded and the encoded data thereof is output;
a GOP encoding/non-encoding data encoding step of encoding GOP encoding/non-encoding data for indicating whether encoded data of the image belonging to the relevant GOP is output, and an in-GOP image encoding step of encoding the image belonging to the relevant GOP when the encoded data of the image is output, wherein:
when a subject is included in said images belonging to the GOPs and the GOP encoding/non-encoding data indicates that the encoded data of the relevant image is not to be decoded, image data of the subject having a viewing position or direction which corresponds to the given GOP is generated using data of the images belonging to the GOPs other than the given GOP.

In the analogous field of endeavor, Puri discloses Video Coding with Motion – Compensated Interpolation for CD-ROM Application. Puri specifically discloses conditional motion compensated interpolation (CMCI) which is interpolating the skipped frames using motion compensated interpolation based on other reference frames, but encoding the interpolation error only if it is significant (4.Motion-Compensated Interpolation, pp.130-131), in order to keep the additional information as small as

possible (pp.131, left col, line 9-11). So Puri teaches that if it is determined that an image can be generated on a decoding side without using encoded data of a relevant image (a skipped frame which has not significant interpolation error), it is determined that the relevant image is not encoded and no encoded data thereof is output (not encoded if prediction error is not significant); and if it is determined that an image cannot be generated on a decoding side unless encoded data of the relevant image is used, then it is determined that the relevant image is encoded and the encoded data thereof is output (interpolation error is encoded if the prediction error is significant). Kimata teaches that the interpolation of the image belonging to the relevant GOP is done by Ray-Space method (Kimata: Ray-Space Interpolation, Fig.3 and 4) based on other GOP's (Inter-GOP configuration of Fig.7(b)). It was obvious that Puri's selective encoding of frame can be applied to a selective encoding of GOP in Kimata since Kimata has GOP based structure (base GOP and Inter-GOP, Chapter 4 and Fig.7).

Therefore, given this teaching, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kimata by incorporating selectively encoding the each image belonging to the relevant GOP based on the significance of interpolation error with transmission of encoding/non-encoding information (1 bit), in order to keep the additional information as small as possible. The Kimata coding method, incorporating the Puri selective encoding based on the significance of interpolation error, has all the features of claim 1. Kimata and Puri teaches when a subject is included in said images belonging to the GOPs and the GOP encoding/non-encoding data indicates that the encoded data of the relevant image is not to be

decoded (Puri: No interpolation error is encoded and therefor not decoded), image data of the subject having a viewing position or direction which corresponds to the given GOP is generated using data of the images belonging to the GOPs other than the given GOP (Kimata: Inter-GOP configuration of Fig.7(b)).

Regarding **claim 3**, the Kimata coding method, incorporating the Puri selective encoding based on the significance of interpolation error, further incorporating adaptive selection of In-GOP and non-encoding based on the bandwidth limitation, as applied to claim 1, teaches further comprising: a generation reference-GOP encoding step of encoding generation reference-GOP designating data for designating one or more other GOPs (Kimata: reference GOP index are defined in GOP header, pp.4, left col, last 3 lines) which are used for generating the image (Kimata: Ray-Space Interpolation, Fig.3 and 4) belonging to the relevant GOP when the encoded data of this image is not output (No-encoding shown in above claim 1) .

Regarding **claim 4**, the Kimata coding method, incorporating the Puri selective encoding based on the significance of interpolation error, further incorporating adaptive selection of In-GOP and non-encoding based on the bandwidth limitation, as applied to claim 1, teaches further comprising:
a generation data encoding step of encoding generation data (Kimata: Ray-Space Approach used as View Generation, pp.3, left col.) for designating an image generation method which is used for generating the image (3. Free viewpoint viewer, pp.2) belonging to the relevant GOP (Fig.7(b)). GoGOP #2 uses only decoded picture of base

GOP (GOP of Other Camera's)) when the encoded data of this image is not output (no-encoding shown in above claim 1).

Regarding **claim 5**, The Kimata coding method, incorporating the Puri selective encoding based on the significance of interpolation error, as applied to claim 1, discloses A video decoding method (Kimata: Fig.8 Decoder) for decoding encoded data generated by assigning a plurality of images (Kimata: Fig.6 -7) to a plurality of GOPs which correspond to different viewing positions or directions (Fig.7) and encoding images belonging to the GOPs (Kimata: Group of GOP (GoGop), Fig.6-7) as a video image, the method comprising:

a GOP encoding/non-encoding data decoding step (anticipated by the combination, because there is a bit indication encoding-non-encoding as shown above claim 1) of decoding GOP encoding/non-encoding data for indicating whether the encoded data of each image belonging to each GOP is to be decoded (definition of encoding/non-encoding bit); and an in-GOP image decoding step (Fig. 8 includes in-GOP as well as inter-GOP) in which if the GOP encoding/non-encoding data indicates that the encoded data of a relevant image is to be decoded, the relevant image is decoded by decoding the encoded data (Kimata:Fig.8 Decoder); and
if the GOP encoding/non-encoding data indicates that the encoded data of the relevant image is not to be decoded (Puri: encoding the interpolation error only if it is significant, pp.130-131), the relevant image is decoded by using an image generation method (Kimata: Ray-Space Approach used as View Generation, pp.3, left col.)) which does

not use the encoded data of this image (does not use image taken by the concerned camera, but uses images taken by other cameras, Fig.7), wherein:

when a subject is included in said images belonging to the GOPs and the GOP encoding/non-encoding data indicates that the encoded data of the relevant image is not to be decoded (Puri: No interpolation error is encoded, and therefore not decoded), image data of the subject having a viewing position or direction which corresponds to the given GOP is generated using data of the images belonging to the GOPs other than the given GOP (Kimata: Inter-GOP configuration of Fig.7(b)).

Regarding **claim 6**, the Kimata coding method, incorporating the Puri selective encoding based on the significance of interpolation error, as applied to claim 1, teaches further comprising:

a generation reference-GOP decoding step of decoding generation (Kimata: Reference Picture Determination, Fig.8) reference-GOP designating data for designating one or more other GOPs (Kimata: reference GOP index are defined in GOP header, pp.4, left col, last 3 lines) which are used for generating the image (Kimata: Ray-Space Interpolation, Fig.3 and 4) belonging to the relevant GOP when the encoded data of this image is not decoded (No-encoding shown in above claim 1, Kimata: Fig.7b shows reference pictures only with other cameras).

Regarding **claim 7**, the Kimata coding method, incorporating the Puri selective encoding based on the significance of interpolation error, as applied to claim 1, teaches further comprising:

a generation data decoding step of decoding generation data for designating an image generation method which is used for generating the image (Kimata: Ray-Space Interpolation, Fig.3 and 4) belonging to the relevant GOP(Kimata: C2 images in Fig 7(b)) when the encoded data of this image is not decoded (no-encoding shown in above claim 1).

Regarding **claim 8**, the claimed invention is an apparatus claim corresponding to the method claim 1. Therefore, it is rejected for the same reason as claim 1.

Regarding **claim 10**, the claimed invention is an apparatus claim corresponding to the method claim 3. Therefore, it is rejected for the same reason as claim 3.

Regarding **claim 11**, the claimed invention is an apparatus claim corresponding to the method claim 4. Therefore, it is rejected for the same reason as claim 4.

Regarding **claim 12**, the claimed invention is an apparatus claim corresponding to the method claim 5. Therefore, it is rejected for the same reason as claim 5.

Regarding **claim 13**, the claimed invention is an apparatus claim corresponding to the method claim 6. Therefore, it is rejected for the same reason as claim 6.

Regarding **claim 14**, the claimed invention is an apparatus claim corresponding to the method claim 7. Therefore, it is rejected for the same reason as claim 7.

Regarding **claim 16**, the claimed invention is a computer-readable medium claim corresponding to the method claim 1. Therefore, it is rejected for the same reason as claim 1.

Regarding **claim 18**, the claimed invention is a computer-readable medium claim corresponding to the method claim 5. Therefore, it is rejected for the same reason as

claim 5.

13. **Claims 2 and 9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimata in view of Puri , and further in view of Eifrig (US 5,991,447) (hereafter referenced as Eifrig).

Regarding claim 2, the Kimata coding method, incorporating the Puri selective encoding based on the significance of interpolation error, as applied to claim 1, teaches image generated by using one or more other GOPs without decoding the encoded data of the relevant GOP (no-encoding, but interpolated by other GOP's using Ray-Space), and encoding the relevant GOP.

However, the combination fails to teach the GOP encoding determination step includes determining whether an image generated by using one or more other GOPs without decoding the encoded data of the relevant GOP is closer to an original image of the relevant image in comparison with an image obtained by decoding the encoded data, so as to determine whether the image belonging to the relevant GOP is to be encoded.

In analogous field of endeavor, Eifrig discloses Prediction and Coding of Bi-Directionally Predicted Video Object Planes for Interlaced Video. Eifrig specifically discloses that prediction mode is decided based on SAD (sum of absolute difference between prediction and the current picture) (*closeness to the original picture*) calculation of forward, backward, and averaged mode, in order to do efficient coding (col. 14, line 16-24).

Therefore, given this teaching, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Kimata and Puri by incorporating the mode decision based on minimum SAD between In-GOP encoding and non-encoding of the relevant image, in order to do efficient coding. The Kimata coding method, incorporating the Puri selective encoding based on the significance of interpolation error, incorporating the mode decision based on minimum SAD between In-GOP encoding and no-encoding of the relevant image, has all the features of claim 2.

Regarding **claim 9**, the claimed invention is an apparatus claim corresponding to the method claim 2. Therefore, it is rejected for the same reason as claim 2.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEE-YONG KIM whose telephone number is (571)270-3669. The examiner can normally be reached on Monday-Thursday, 8:00am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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